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EXAMINER

ANDERSON, MICHAEL J

ART UNIT

PAPER NUMBER

3767

NOTIFICATION DATE

DELIVERY MODE

01/09/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Amended claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the needle cannula and the shield. Line 9 of claim 1 calls for the needle cannula to be within said shield and line 20 calls for the shield to the needle cannula. It is not clear how the needle is both within the shield and then covered by the shield later in the operation of the device. Claims 2-8 depend from claim 1 and add to the clarity problem regarding the shield and needle cannula.

Claims 9-32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Amended claim 9 suffers from the shield and needle cannula problem as for amended claim 1. In addition amended claim 9 calls for a cartridge with a needle and a barrel with the ability to push fluid through the needle. It is not clear how the cartridge and barrel work

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together. Claims 10-32 depend from claim 9 and further add to the clarity problem as for example in claim 16 which calls for both a “said cartridge barrel” and “said cartridge”.

Claims 38-43 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Amended claim 38 suffers from the shield and needle cannula problem as for amended claims 1 and 9. Claims 39-43 depend from claim 38 and are similarly rejected.

Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a second proximal end and a second distal end of the cartridge. The cartridge has no first proximal end or first distal end relative to the second proximal end and second distal end.

Claims 45-70 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Amended claim 45 suffers from the shield and needle cannula problem as for amended claims 1 and 9. Claims 46-70 depend from claim 38 and are similarly rejected.

***Response to Amendment***

The present communication responds to the Amendment of 10/20/2008  
By this communication, claims 1, 9, 21, 32, 38, 45, 60 and 61 were amended. The amendments did not add new matter. Claims 1-70 are pending. The rejection(s) are as stated.

***Response to Arguments***

Applicant's arguments with respect to claims 1-70 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ANDERSON whose telephone number is (571)272-2764. The examiner can normally be reached on M-F 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3767

MJA  
1/4/2008

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